

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MARY R. CAMPBELL,)
)
Plaintiff,)
)
vs.) Case No. 2:04CV95MLM
)
JO ANNE B. BARNHART,)
Commissioner of Social Security)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the court on Defendant's Motion to Reverse and Remand. [Doc. 12] In this Motion defendant requests the court to reverse the decision of the Administrative Law Judge ("ALJ") and remand this action to defendant pursuant to 42 U.S.C. § 405(g) sentence four.

Defendant states that upon review of the case, agency counsel requested that the Appeals Council reconsider the case which they agreed to do. Based on their review, the Appeals Council determined that a remand for additional proceedings before an ALJ was appropriate. On remand, the ALJ will properly compare plaintiff's past relevant work to her RFC; go on to step five of the sequential evaluation process if plaintiff cannot return to her past relevant work; and obtain additional vocational expert testimony if necessary.

The court has considered defendant's Motion and finds that the Motion should be granted. The entry of final judgment reversing and remanding this case will begin the appeal period which determines the thirty (30) day period during which time an application for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 may be filed.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Reverse and Remand is GRANTED. [Doc. 12]

IT IS FURTHER ORDERED that a Final Judgment is entered contemporaneously herewith reversing the decision of the Administrative Law Judge and remanding this case to the

Commissioner of Social Security for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS FURTHER ORDERED that the entry of Final Judgment will begin the appeal period which determines the thirty (30) day period during which a timely application for attorney's fees under the Equal Access to Justice Act may be made.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of May, 2005.